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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALBERTO GARIBAY,

Defendant.

CASE NO. 2:24-CR-00067 DAD

STIPULATION REGARDING RESETTING OF
STATUS CONFERENCE AND EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER

DATE: September 24, 2024
TIME: 9:30 a.m.
COURT: Hon. Dale A. Drozd

STIPULATION

The United States of America, by and through Assistant United States Attorney Kerry Blackburn, together with Preciliano Martinez, counsel for defendant Alberto Garibay, hereby stipulate as follows:

1. The Indictment was returned on March 21, 2024, and the Honorable John A. Mendez assigned.
2. By previous order, on March 26, 2023, this matter was set for status on May 21, 2024, with an exclusion of time, under Local Code T4.
3. On April 17, 2024, the matter was reassigned to the Honorable Dale A. Drozd, the status conference was vacated, and the United States was directed to reschedule the status conference.
4. By this stipulation, the defendant moves to continue the status conferences to September 24, 2024.

1 5. The Government and Defense Counsel, stipulate to exclude time between May 21, 2024
2 May 21, 2024 and September 24, 2024, under Local Code T4.

3 6. The Government and Defense Counsel agree and stipulate, and request that the Court find
4 the following:

5 a) The government has represented that the discovery associated with this case
6 includes law enforcement reports, lab reports, search warrants, and photographs. Initial
7 disclosures have been made available to Defense Counsel.

8 b) Defense Counsel desires additional time to consult with his client, to review and
9 copy discovery for this matter, and to otherwise prepare for trial.

10 c) Defense Counsel believes that failure to grant the above-requested continuance
11 would deny him the reasonable time necessary for effective preparation, taking into account the
12 exercise of due diligence.

13 d) The Government does not object to the continuance.

14 e) Based on the above-stated findings, the ends of justice served by continuing the
15 case as requested outweigh the interest of the public and the Defendant in a trial within the
16 original date prescribed by the Speedy Trial Act.

17 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
18 et seq., within which trial must commence, the time period of September 24, 2024 inclusive, is
19 deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it
20 results from a continuance granted by the Court at Defense Counsel's request on the basis of the
21 Court's finding that the ends of justice served by taking such action outweigh the best interest of
22 the public and the defendant in a speedy trial.

23 7. Nothing in this stipulation and order shall preclude a finding that other provisions of the
24 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
25 must commence.

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1 IT IS SO STIPULATED.

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3 Dated: April 26, 2024

PHILLIP A. TALBERT
United States Attorney

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5 /s/ Kerry Blackburn
Kerry Blackburn
Assistant United States Attorney

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7
8 Dated: April 26, 2024

/s/ Preciliano Martinez
PRECILIANO MARTINEZ
Counsel for Defendant
ALBERTO GARIBAY

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13 **ORDER**

14 Pursuant to the stipulation of the parties and good cause appearing, the status conference in this
15 case is continued to September 24, 2024 at 9:30 a.m. and time is excluded between May 21, 2024 and
16 September 24, 2024, under Local Code T4.

17 IT IS SO ORDERED.

18 Dated: April 29, 2024

19 *Dale A. Drozd*
DALE A. DROZD
UNITED STATES DISTRICT JUDGE